

FILED

Dec 07 - 2023

John M. Domurad, Clerk

UNITED STATES DISTRICT COURT

for the

Northern District of New York



United States of America
v.
MUFID FAWAZ ALKHADER

Case No. 1:23-MJ-725(CFH)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 7, 2023 in the county of Albany in the
Northern District of New York, the defendant(s) violated:

Code Section
18 U.S.C. 922(g)(3) & 924(a)(2)

Offense Description
Possession of a Firearm by a Prohibited Person (Unlawful User of a
Controlled Substance)

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

/s/ Robert Lawyer II

Complainant's signature

ATF TFO Robert Lawyer II

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/07/2023

City and state: Albany, NY

Judge's signature

Hon. Christian F. Hummel, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Robert Lawyer II, being duly sworn, do hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice, and have held that position since June 2022. Accordingly, I am a “federal law enforcement officer” within the meaning of F.R.Cr.P. 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I am also an “investigative or law enforcement officer” within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.
2. I am also a police officer employed with the Albany Police Department (APD) in Albany, New York, having served in that capacity since July 15, 2008. My current title at APD is Detective in the Criminal Investigation Unit (CIU). As a Detective within the CIU, I have been assigned to the Gun Violence Task Force, as part of which I routinely investigate firearm related crimes, and major offenses including assaults, robberies, homicides, and weapons possession. In fact, during my tenure as a police officer, I have participated in the investigation of numerous violent crimes, and have also received training consisting of my attendance at two police academies.
3. This affidavit is founded on my personal knowledge based on my participation in this investigation, including the review of reports by myself and/or other law enforcement agents, communication with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information

outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts known to me regarding this investigation.

4. I submit this affidavit in support of a criminal complaint charging MUFID FAWAZ ALKHADER with violating Title 18, United States Code, Section 922(g)(3) (Possession of a Firearm by a Prohibited Person). 18 U.S.C. § 922(g)(3) provides, in pertinent part, that “[i]t shall be unlawful for any person who is an unlawful user of . . . any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) . . . to possess in or affecting commerce, any firearm or ammunition . . . which has been shipped or transported in interstate or foreign commerce.”

PROBABLE CAUSE

Background on MUFID FAWAZ ALKHADER

5. MUFID FAWAZ ALKHADER is a 28 year old male who was born in Iraq, and who is now a U.S. citizen. ALKHADER has recently lived in Schenectady, New York.

Events Occurring Outside of the Temple Israel on December 7, 2023

6. Temple Israel is a Jewish synagogue located at 600 New Scotland Avenue, Albany, New York.
7. At approximately 2 p.m. on December 7, 2023, ALKHADER stood outside of the Temple Israel while possessing a Kel-Tec KS7 12 gauge pump shotgun bearing s/n QLF02. ALKHADER then fired two rounds from the aforementioned shotgun into the air. Shortly thereafter, members of the Albany Police Department encountered ALKHADER and he was taken into custody without incident.

The December 7, 2023 Interview of MUFID FAWAZ ALKHADER

8. While in the custody of the Albany Police Department on the afternoon of December 7, 2023, ALKHADER acknowledged and waived his *Miranda* rights, and agreed to speak with the law enforcement officers. During ALKHADER's interview with the law enforcement officers he said a variety of things, in sum and substance, including:
- a. that events in the Middle East have impacted him; and
 - b. that he regularly uses marijuana.

Interstate Nexus Examination of the Kel-Tec Shotgun

9. ATF agents who have training and experience in conducting the interstate nexus examination of firearms have examined the Kel-Tec shotgun described above. Preliminary analysis indicates that the shotgun was manufactured by Kel-Tec outside the State of New York, and has therefore traveled in interstate commerce.

CONCLUSION

10. Based on the foregoing, your affiant submits that there is probable cause to conclude that on or about December 7, 2023, in Albany County, in the Northern District of New York, defendant MUFID FAWAZ ALKHADER:
- a. knowing that he was an unlawful user of a controlled substance (marijuana) as defined in 21 U.S.C. Sec. 802, did knowingly possess a firearm, that is, a Kel-Tec KS7 12 gauge pump shotgun bearing s/n QLF02, said firearm having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

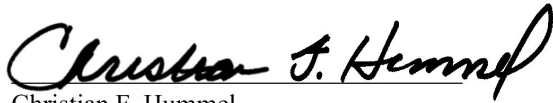
Attested to by the affiant,

/s/ Robert Lawyer II

Robert Lawyer II

ATF Task Force Officer

I, the Honorable Christian F. Hummel, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on December 7th, 2023, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure:

A handwritten signature in black ink that reads "Christian F. Hummel". The signature is written in a cursive, flowing style.

Christian F. Hummel

U.S. Magistrate Judge